

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. R1030

A Bylaw to Regulate Solid-Fuel Burning Appliance Emissions

WHEREAS the Regional District of Alberni-Clayoquot is empowered under supplementary Letters Patent dated December 22, 1966 to exercise the powers of the *Municipal Act* relating to air pollution control;

AND WHEREAS Section 325 of the *Local Government Act* gives the Regional District of Alberni-Clayoquot the authority to regulate the emission of smoke and require owners or occupiers of real property to eliminate or reduce the fouling or contaminating of the atmosphere through those emissions;

NOW THEREFORE, the Board of Directors of the Regional District of Alberni-Clayoquot in open meeting assembled enacts as follows:

1. AREA

This bylaw shall apply within the boundaries of Electoral Area "A" (Bamfield), Electoral Area "B" (Beaufort), Electoral Area "C" (Long Beach), Electoral Area "D" (Sproat Lake), Electoral Area "E" (Beaver Creek) and Electoral Area "F" (Cherry Creek).

3 DEFINITIONS

"Certified appliance" means a fireplace, woodstove, wood-fired furnace, or other wood or solid-fuel burning appliance or device intended for space heating of buildings, the heating of water or other such purpose and is located in the interior of a building and which contains an identification label affixed to the appliance indicating compliance with either the CSA Standard or EPA Standard.

"CSA Standard" means the "Performance Testing of Solid-Fuel Burning Heating Appliances" CAN/CSA-B415.1 standard, published by the Canadian Standards Association (CSA), as amended from time to time.

"EPA Standard" means the "New Source Performance Standards, Title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA) (7-1-02 Edition)" standard, published by the United States Environmental Protection Agency (EPA), as amended from time to time.

"Solid-fuel burning appliance" means a fireplace, fireplace insert, woodstove, pellet stove, wood-fired furnace, or other wood or solid-fuel burning appliance or device intended for space heating of buildings, the heating of water or other such purpose and is located in the interior of the building which it serves, but specifically excludes a coal burning device.

4. PROHIBITION

No person shall install, or allow to be installed, a solid-fuel burning appliance unless the appliance is a certified appliance which conforms to the CSA Standard or EPA Standard.

5. REGULATION OF EXISTING NON-COMPLIANT APPLIANCE

Existing solid-fuel burning appliances not in compliance with Section 4 above will be permitted to remain in service until July 1, 2023, providing that the solid-fuel burning appliance, its installation and use otherwise meet required safety standards. Thereafter, any such non-conforming solid-fuel burning appliance must be permanently disconnected and removed from the structure.

6. INSPECTION

A Building Inspector, Bylaw Enforcement Officer, Fire Chief, or designate of a Fire Chief, may enter and inspect any premises in which burning is being conducted, for the purpose of determining compliance with this bylaw.

7. OFFENCE

Any person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act to be done in contravention of this bylaw, commits an offence and shall be liable upon conviction to a fine not more than the maximum prescribed in the *Offence Act*, as amended from time to time.

8. SEVERABILITY

If any section or lesser portion of this bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the bylaw.

9. TITLE

This bylaw may be cited as the "Solid-Fuel Burning Appliance Emission Regulation Bylaw No. R1030, 2019"

Read a first time this day of , 2019

Read a second time this day of , 2019

Read a third time this day of , 2019

ADOPTED this day of , 2019

Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

Chairperson of Regional Board